

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

**IN RE WORLD TRADE CENTER  
DISASTER SITE LITIGATION**

JOSEPH BERARDI, *et al.*,

Plaintiffs,

-against-

THE CITY OF NEW YORK, *et al.*,

Defendants.

**STIPULATED ORDER OF DISMISSAL  
WITH PREJUDICE PURSUANT TO  
FINAL SETTLEMENT AGREEMENT**

21 MC 100 (AKH)

THIS STIPULATED ORDER PERTAINS TO  
ALL PLAINTIFFS AND DOCKET  
NUMBERS SET FORTH ON EXHIBIT A

IT IS HEREBY STIPULATED AND AGREED by and between certain Plaintiffs represented by Bamundo, Zwal & Schermerhorn, LLP, identified on Exhibit A hereto ("Plaintiffs"), and the Defendants identified on Exhibit B ("Settling Defendants") that:

1. Plaintiffs and Settling Defendants have entered into a settlement agreement resolving all claims by Plaintiffs against Settling Defendants in the above-captioned action.
2. Plaintiffs have executed releases and covenants not to sue in which Plaintiffs have released the Settling Defendants and each of them from any and all obligations and liability to Plaintiffs for past, present, and future injuries arising out of or relating in any way to World Trade Center-related rescue, recovery and/or debris-removal operations and/or clean-up at any location on and/or after September 11, 2001. Accordingly, Plaintiffs' claims against the Settling Defendants and each of them shall be dismissed, and hereby are dismissed, with prejudice;
3. The Primary Plaintiffs identified on Exhibit A also have executed before a notary public documents evidencing their understanding that they are foreclosed from suing the Settling Defendants or any of them in the future for currently unknown, future injuries arising out of or

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relating in any way to World Trade Center-related rescue, recovery and/or debris-removal operations and/or clean-up at any location on and/or after September 11, 2001, regardless of whether such currently unknown, future injuries arise out of or relate in any way to the injury(ies) each Primary Plaintiff has pleaded in this action. Such understanding shall be, and hereby is, judicially noticed.

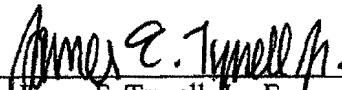
BAMUNDO, ZWAL & SCHERMERHORN, LLP

PATTON BOGGS LLP

By:

  
James R. Schermerhorn, Esq.  
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By:

  
James E. Tyrrell, Jr., Esq.  
*Attorneys for all Defendants*  
The Legal Center  
One Riverfront Plaza, Suite 600  
Newark, NJ 07102

Dated: February 9, 2011

Dated: February 8, 2011

SO ORDERED, this 14 day of February, 2011,

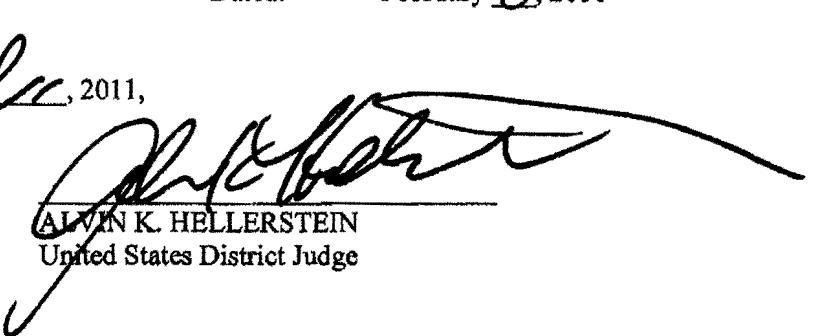
  
ALVIN K. HELLERSTEIN  
United States District Judge

Exhibit A – List of Plaintiffs

No.	Primary Plaintiff		Derivative Plaintiff		Civil Action Nos.	Master Docket
	Last Name	First Name	Last Name	First Name		
1	Berardi	Joseph			09cv10040; 03cv02067	MC100
2	Maksimowich	Jason			09cv10040, 03cv02067	MC100

**Exhibit B – List of Settling Defendants**

CITY OF NEW YORK, including the:	CRAIG TEST BORING
BOARD OF EDUCATION OF THE CITY OF NEW YORK	CRITICOM INTERNATIONAL CORP
BOROUGH OF MANHATTAN COMMUNITY COLLEGE	DAKOTA DEMO-TECH
CITY UNIVERSITY OF NEW YORK	DESIMONE CONSULTING ENGINEERS, PLLC
NEW YORK CITY DEPARTMENT OF EDUCATION	DCM ERECTORS, INC.
NEW YORK CITY SCHOOL CONSTRUCTION AUTHORITY	DIAMOND POINT EXCAVATION CORP
A RUSSO WRECKING	DIEGO CONSTRUCTION
ACROW	DIVERSIFIED CARTING
ALLCOM ELECTRIC	DMT ENTERPRISE
AMEC CONSTRUCTION MANAGEMENT, INC.	D'ONOFRIO GENERAL CONTRACTORS CORP.
AMEC EARTH AND ENVIRONMENTAL	EAGLE LEASING & INDUSTRIAL SUPPLY (SEASONS)
ANTHONY CORTESE SPECIALIZED HAULING LLC	EAGLE ONE ROOFING CONTRACTORS, INC.
ASG PEST CONTROL	EAGLE SCAFFOLDING CO. (SEASONS)
ATC GROUP SERV/DBA ATC ASSOCIATES	EJ DAVIES, INC.
ATLANTIC HEYDT CORP.	EN-TECH CORP.
ATLAS CONCRETE	ENTERTAINMENT PARTNERS
AVANTI DEMOLITION & CARTING CORP.	ET ENVIRONMENTAL
BECHTEL CONSTRUCTION, INC.	EVERGREEN RECYCLING OF CORONA (EROC)
BERGEN CONCRETE CUTTING	EWELL W. FINLEY, P.C.
BERKEL & CO. CONTRACTORS, INC.	EXECUTIVE MED SERVICES, PC
BIG APPLE WRECKING & CONSTRUCTION	F&G MECHANICAL CORPORATION
BOVIS LEND LEASE LMB, INC.	FELIX EQUITIES, INC.
BREEZE CARTING	FLEET TRUCKING
BREEZE NATIONAL, INC.	FRANCIS A. LEE EXTERIOR RESTORATION
BRER FOUR TRANSPORTATION	FRANK MICELLI JR CONTRACTING
BURO HAPPOLD CONSULT ENG.	FTI TRUCKING
C & D FIREPROOFING	G & G CONTRACTING, INC.
C & D PAINTING, INC.	GILSANZ, MURRAY, & STEFICEK
C.B. CONTRACTING CORP.	GINO CRACOLICI & SONS, INC.
CANRON CONSTRUCTION CORP.	GOLDSTEIN ASSOCIATES PLLC
CANTOR SEINUK GROUP	GRACE INDUSTRIES
CERTIFIED FENCE CORP.	GUY NORDENSON AND ASSOCIATES
CIVETTA COUSINS	HALLEN WELDING SERVICE
CLARCO ENTERPRISE CORP.	HELMAN MANAGEMENT SERVICES, INC.
COMPONENT ASSEMBLY SYS	HGC CONTRACTING CORP.
COORDINATED METALS, INC.	HIGH RISE HOISTING AND SCAFFOLDING
CORD CONTRACTING CO., INC.	HIGH-RISE ELECTRIC, INC.

HP ENVIRONMENTAL	ROBER SILMAN ASSOCIATES
JP EQUIPMENT RENTAL MATERIALS, INC.	ROBERT C STEWART
KEVIN MC MANUS	ROBERT ERRAT
KOCH SKANSKA, INC.	ROBERT L GEROSA
LAQUILLA CONSTRUCTION, INC.	RODAR ENTERPRISES, INC.
LASTRADA GENERAL CONTRACTING CORP.	ROYAL GM, INC.
LESLIE E. ROBERTSON ASSOCIATES	SAB TRUCKING
LIBERTY MUTUAL GROUP	SAFEWAY ENVIRONMENTAL
LIRO	SEMCOR EQUIPMENT
LOCKWOOD, KESSLER & BARTLETT (LKB)	SEVERUD ASSOCIATES CONSULTING ENGINEERS
LUCIUS PITKIN	SHEDRAKE ORGANIZATION, INC.
LZA TECH-DIVISION OF THORTON TOMASETTI	SILVERADO CONTRACTORS
M. G. MCLAREN, P.C.	SILVERITE CONTRACTING
MANAFORT BROTHERS, INC.	SIMPSON, GUMPERTZ, & HEGER
MAZZOCCHI WRECKING, INC.	SKIDMORE, OWINGS & MERRILL LLP
MEDCOR, INC.	STAR DELTA ELECTRIC
MENT BROTHERS	STIER, ANDERSON & MALONE
MERIDIAN CONSTRUCTION GROUP	SUMMIT STRUCTURES LLC
MG MCLAREN P.C.	TELENET COMMUNICATIONS
MORETRENCH AMERICAN, CORP.	THYSSEN KRUPP ELEVATOR CO.
MRA ENGINEERING, PC	TOMASETTI GROUP
MUESER RUTLEDGE CONSULTING ENGINEERS	TORETTA TRUCKING
MUSCO SPORTS LIGHTING, LLC	TOTAL SAFETY CONSULTING LLC
NACIREMA INDUSTRIES	TUCCI EQUIPMENT RENTAL CORP
NEW YORK CRANE & EQUIPMENT CORP.	TULLY CONSTRUCTION
NICHOLSON CONSTRUCTION CO.	TURNER CONSTRUCTION COMPANY
NICHOLSON/HEYWOOD JOINT VENTURE	ULTIMATE DEMOLITION/CS HAULING (JOINT VENTURE)
OFF ROAD WELDING, INC.	UNITED STATES REBAR
THE OFFICES OF JAMES RUDERMAN, LLP	VANGUARD EQUIPMENT RENTALS
OLYMPIC PLUMBING AND HEATING	VERTICAL TECHNOLOGIES
OVE ARUP & PARTNERS	VOLLMER ASSOCIATES
PARSON GROUP	W HARRIS & SON INC.
PETER SCALAMANDRE & SONS	WALTER WHITE TRUCKING
PINNACLE ENVIRONMENTAL	WEEKS MARINE, INC.
PLAZA CONSTRUCTION CORP.	WEIDLINGER ASSOCIATES
PRO SAFETY SERVICES, LLC	WHITNEY CONTRACTING
PT & L CONTRACTING CORP.	WOLKOW BRAKER ROOFING
REGIONAL SCAFFOLD & HOISTING CO, INC.	YANNUZZI & SONS, INC.
RICH MARK ENVIRONMENTAL SERVICES, INC.	YONKERS CONTRACTING
	YORK HUNTER CONSTRUCTION, LLC
	ZIEGENFUSS DRILLING